

ZB# 77-5

Birk's Realty Inc.

4-2-15

Public Hearing:

Apr. 11th - 8 p.m.

Section 48-9-

Table of Use Regs.

Column A - 5 & 12

(C zone) only permitted in

Planned Industrial

Use Variance

Qtd. Yes.

Need Formal Decision

GENERAL RECEIPT

3211

Town of New Windsor, N. Y.

Apr. 12, 1977

Received of Birk's Realty, Inc. \$ 50.00
Fifty and 00/100 Dollars

For # 77-5 Zoning Variance

DISTRIBUTION:

FUND	CODE	AMOUNT
30.00		
check		

BY Charlotte Marcantonio

TITLE

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609



Oxford Pendaflex
CORPORATION

STOCK No. 752 1/3

• • •

MADE IN U.S.A.

4-2-15

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

77-5
(Number)

3/23/77
(Date)

I. Applicant information:

- (a) Birk's Realty, Inc., 55 Route 17K, Newburgh, N.Y. 562-4100
(Name, address and phone of Applicant)
- (b) SAME AS ABOVE
(Name, address and phone of purchaser or lessee)
- (c) Witfield & Remick, 35 Wisner Ave., Newburgh, NY 561-9100
(Name, address and phone of ~~Attorney~~ Architect)
- (d) NONE
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) PI Temple Hill Rd, Newburgh 8.49 acres
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 1973
- (e) Has property been subdivided previously? no When?
- (f) Has property been subject of variance or special permit previously? yes When? 1974
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no If so, when

77-5
(Number)

3/23/77
(Date)

I. Applicant information:

- (a) Birk's Realty, Inc., 55 Route 17K, Newburgh, N.Y. 562-4100
(Name, address and phone of Applicant)
- (b) SAME AS ABOVE
(Name, address and phone of purchaser or lessee)
- (c) Witfield & Remick, 35 Wisner Ave., Newburgh, NY 561-9100
(Name, address and phone of ~~Attorney~~ Architect)
- (d) NONE
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
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(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 1973
- (e) Has property been subdivided previously? no When?
- (f) Has property been subject of variance or special permit previously? yes When? 1974
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. None now - The proposed vehicles would be stored outside. These vehicles would comprise new and used cars, new and used trucks, and new and used recreational vehicles.

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48.9, Table Use PI, Column A, to allow

Allow a new and used vehicle sales outlet to be followed by
(Describe proposed use)
new motor vehicle dealership in 2-3 years.

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

The Owner purchased the land subject to a Use Variance
exactly the same as now requested. Because of the
down-turn in the economic climate he had to delay

execution of his original plan. He now feels the climate
exists for this plan to proceed and has obtained bank backing

for the project. It would definitely be an unnecessary
hardship if he could not use the land for the purpose it
was originally purchased.

☐ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or</u> <u>Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

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(Describe proposed use)
new motor vehicle dealership in 2-3 years.

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The Owner purchased the land subject to a Use Variance exactly the same as now requested. Because of the down-turn in the economic climate he had to delay execution of his original plan. He now feels the climate exists for this plan to proceed and has obtained bank backing for the project. It would definitely be an unnecessary hardship if he could not use the land for the purpose it was originally purchased.

☐ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

☐ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

☐ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The Owner insists upon a properly landscaped environment as is evident in his facility of Newburgh Park Motors on Rte 17K. Areas in front of the Sales area will be sodded and maintained. Lighting will be directed upon the Sales area and will not detrimentally effect surrounding structures. Proper drainage will be provided to take care of existing surface water problems from adjacent sites.

☐ IX. Attachments required:

- X Copy of letter of referral from Building and Zoning Inspector.
- X Copy of contract of sale, lease or franchise agreement.
- X Copy of tax map showing adjacent properties
- X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- X Copy(ies) of sign(s) with dimensions.
- X Check in amount of \$ 50.00 payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping

Describe in detail the use and structures proposed for the special permit.

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as is evident in his facility of Newburgh Park Motors on
Rte 17K. Areas in front of the Sales area will be sodded
and maintained. Lighting will be directed upon the Sales
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 - X Copy(ies) of sign(s) with dimensions.
 - X Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- X Other - Copy of original application for variance.
Architects letter of 1/27/77 to Building Inspector.
Scott, Hoyt, and Drake letter of 2/5/74.

(Official Use Only)

X. AFFIDAVIT.

Date 3/23/77.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Sworn to before me this

23rd day of March, 1977.

PATRICIA RAZANSKY
Notary Public, State of N.Y.
No. 6970776
Appointed in Orange County
Term Expires Mar. 30, 1978

(Applicant) PRES,

BURKS REALTY, INC

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

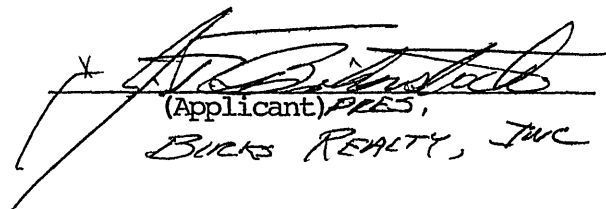
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COUNTY OF ORANGE)

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Sworn to before me this

23rd day of March, 1977.

PATRICIA RAZANSKY
Notary Public, State of N.Y.
No. 5870775
Appointed in Orange County
Term Expires Mar. 30, 1978

* 
(Applicant) FRIS,
BUCKS REALTY, INC

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

In the Matter of the Application of

BIRK'S REALTY, INC.

DECISION GRANTING
USE VARIANCE

Application #77-5.

WHEREAS BIRK'S REALTY, INC., by their President, John Birkenstock of 55 Route 17K, Newburgh, New York, have made application for a use variance from the provisions of the Zoning Local Law to allow a new and used vehicle sales outlet to be followed by a new motor vehicle dealership to be located on Temple Hill Road - PI (Planned Industrial) zone in the Town of New Windsor, New York; and

WHEREAS a public hearing on the application was held by the Zoning Board of Appeals at the Town Hall, New Windsor, New York on the 11th day of April, 1977 after due notice by publication in The Evening News and due notice to residents and businesses within 500 feet of the subject premises by certified mail; and

WHEREAS at said hearing the petitioner was represented by Mr. Donald Witfield, architect; and

WHEREAS at the public hearing there were no objections raised to the proposed use variance; and

WHEREAS the Zoning Board of Appeals makes the following findings of fact in this matter:

(1) Applicant purchased the property 4 years ago and received a use variance from this Board at that time but due to the down-turn of the economic climate, had to delay the execution of its original plan. Since that time, a change in zoning occurred.

(2) The proposed use would be in good taste and would be an asset to the area and would conform to the already existing adjacent businesses.

WHEREAS the Zoning Board of Appeals makes the following determinations of law in this matter:

(1) Unnecessary hardship would be created if the use variance sought by the applicant were denied.

(2) The use of the property for which the applicant seeks authorization will not alter the essential character of the locality.

(3) The use variance, if granted, would not violate the general purpose of the Zoning Ordinance or Local Law.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor grants a use variance to Birk's Realty, Inc. for the use of a new and used vehicle sales outlet, to be followed by new motor vehicle dealership in 2-3 years, to be located on Temple Hill Road in the Town of New Windsor in a PI zone.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.


THEODORE JARGSTORFF

Dated: April 25, 1977.

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

555 Union Avenue
New Windsor, N. Y.
April 12, 1977

Mr. John Birkenstock
% Birk's Realty, Inc.
55 Route 17K
Newburgh, N. Y. 12550


RE: APPLICATION FOR USE VARIANCE #77-5
BIRK'S REALTY, INC.

Dear Mr. Birkenstock:

Kindly be advised that your above application for a use variance was granted at a regular meeting of the New Windsor Zoning Board of Appeals held on Monday, April 11, 1977.

A formal decision of the Board will be drafted by the Attorney for the Board and you will receive a copy of same forthwith.

Very truly yours,


PATRICIA RAZANSKY,
Secretary

/pr

cc: Howard Collett, Bldg./Zoning Inspector

Mr. Hank Van Leeuwen, Chairman
Town Planning Board

Mr. Donald Witfield
Witfield & Remick

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

555 Union Avenue
New Windsor, N. Y.
April 4, 1977

Mr. Hank Van Leeuwen, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, N. Y. 12550

RE: PUBLIC HEARINGS SCHEDULED BEFORE ZONING BOARD OF APPEALS
April 11, 1977

Dear Hank:

Kindly be advised that the following public hearings will be heard
before the Zoning Board of Appeals on the evening of April 11, 1977:

8 p.m. - BIRK'S REALTY, INC.

8:15 p.m. - CORNELL HOMES

8:30 p.m. - FERNANDEZ/ BELTEMPO APPLICATION

I have enclosed for your information copies of the above applications
for variances together with public hearing notices for each of the
aforementioned.

Very truly yours,


PATRICIA RAZANSKY, Secretary

/pr

Enclosures

cc: Howard Collett, Bldg./Zoning Inspector
Town of New Windsor



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

March 14, 1977

Birk's Realty Inc.
53-59 Route 17K
Newburgh, New York 12550

RE: 4-2-15

Gentlemen:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk
att.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Clegg, John C. & Robert S.
4 Innis Avenue
Newburgh, New York 12550

Newburgh Bananas Inc.
111 Dickson Street
Newburgh, New York 12550

Fischer, Milton
C/O Susan Fischer
7530 Robbin Rest Drive
San Antonio, Texas

Automotive Brake Co. Of Newburgh
Box 429
Newburgh, New York 12550

Smith, Charles G. & Ethel R.
Helmes Hill Road
Washingtonville New York 10992

Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

King of Kings Lutheran Church
543 Union Avenue
New Windsor, New York 12550

Ellwhy Realty Corp.
C/O Dexion Inc.
Attention: B. Sherman
111 North Central Avenue
Hartsdale, New York 10530

Crowley Foods Inc.
145 Conklin Avenue
Binghamton New York 13902

The Coca Cola Bottling Co.
425 E. 34th Street
New York, New York 10016


Yanko, Leonard B. & Ludwig, Charles
78 Bridge Street
Newburgh, New York 12550

Liss, Irwin & Sheldon C.
35 Dolson Avenue
Middletown New York 10940

Sloan, Ethel,
RD#2 Temple Hill Road
New Windsor, New York 12550

Palumbo, Thomas
21 Susan Drive
Newburgh, New York 12550

Respectfully submitted,


ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

4/11/77 - Public Hearing - Birk's Realty - 8 p.m.

Names:

Address:

Edith R. Smith	Helmes Hill	Washville ¹⁸⁹⁹² NY
Donald A. Witfeld	35 Wiener Ave	Newburgh

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

copy sent to:
Jack Burkenstock
2/24/77

555 Union Avenue
New Windsor, N. Y. 12550
February 15, 1977

Donald A. Witfield
Witfield & Remick
35 Wisner Avenue
Newburgh, New York 12550

RE: BIRK'S REALTY PROPERTY (Newburgh Dodge-Temple Hill
Road, New Windsor)

Dear Mr. Witfield:

Kindly be advised that your letter of January 27, 1977 on
the above subject was brought up at last night's meeting
of the New Windsor Zoning Board of Appeals.

It was the decision of the Board to have Birk's Realty
Property make formal application to the Zoning Board of
Appeals for a variance since the previous variance granted
had lapsed.

Enclosed please find the necessary paperwork to prepare for
a public hearing before the Zoning Board of Appeals. Kindly
have your client fill out the application and public hearing
notice and return to me and I will schedule a hearing.

Very truly yours,

Patricia Razansky

Patricia Razansky, Secretary

/pr

Enclosures

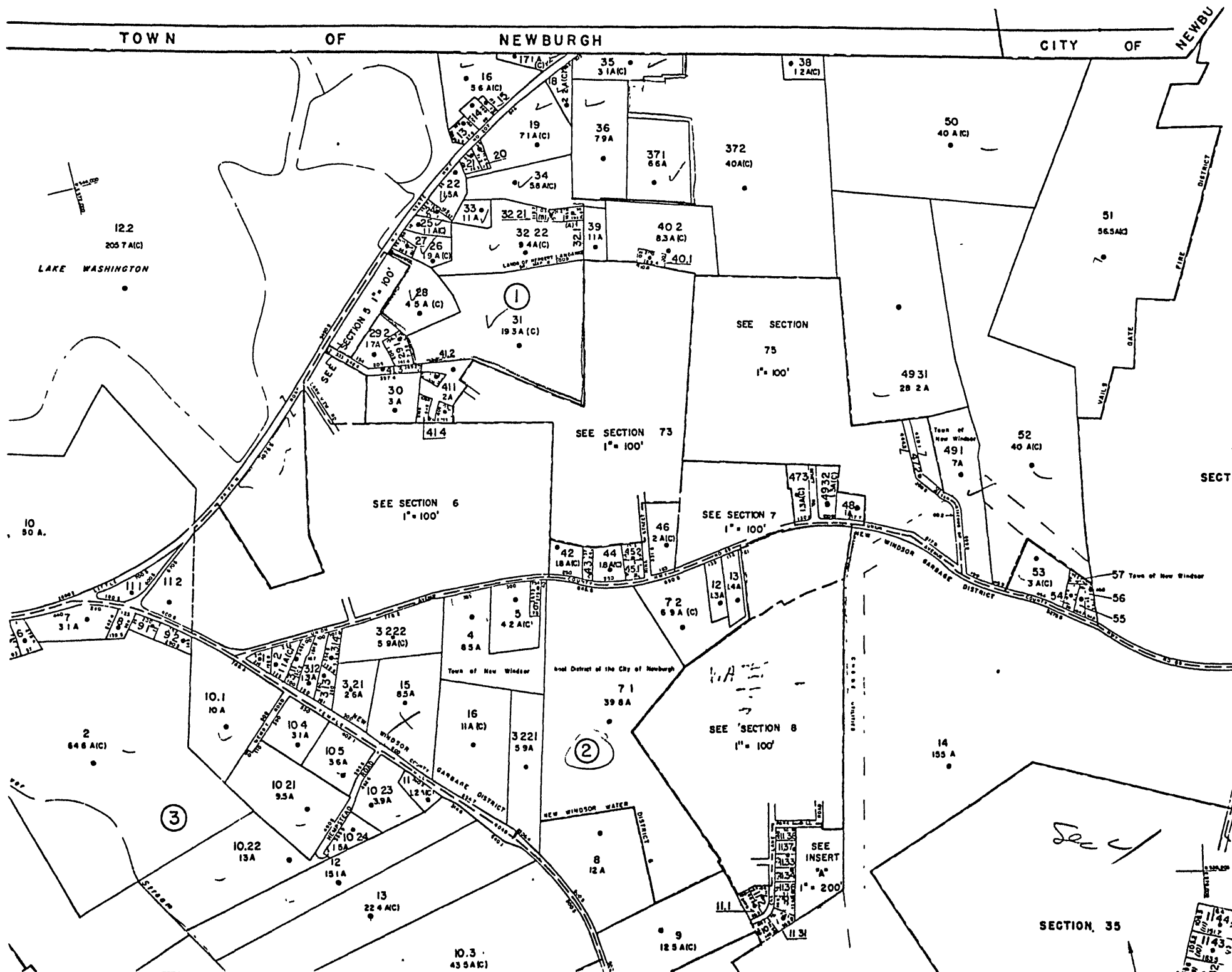
cc: Howard Collett, Bldg./Zoning Inspector
Town of New Windsor

RECEIVED

FEB 17 1977

WITFIELD AND REMICK ARCHITECTS

NEWBU



PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant
to Section 48-33A of the Zoning Ordinance on the following
proposition:

Appeal No. 5

Request of Birk's Realty, Inc.

for a Variance ~~Special Use Permit~~ of the
regulations of the Zoning Local Law, to permit

A new and used vehicle sales outlet to be
followed by a new motor vehicle dealership in
approximately 2 - 3 years.

being a Variance ~~Special Use Permit~~ of

Section 48-12,

for property situated at: The East side of Temple Hill
Road opposite Al's Tire Service.

SAID HEARING will take place on the _____ day of _____, 19____,

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.

beginning at _____ o'clock P. M.

Chairman

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 73-1

Date: _____

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

~~xx(Wx)~~ BIRK'S REALTY, INC. of 55-59 Route 17K, Town of Newburgh,
(Street & Number)

Orange County New York HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

A. Location of the Property Temple Hill Road (no number) OLI
(Street & Number) (Zone)

B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Article III §48-12

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: Applicant is contract purchaser under an agreement which is subject to the use of the land as a new truck and car dealership. The applicant's land is suitable for a new car dealership because of its location and proximity to Union Avenue and other main business arteries which make the land suitable for general business.

2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: This site is desirable for the construction of a new car and truck dealership which is a general business use, which use is not incompatible with the uses set forth in the OLI district since an automotive service station is a permitted use in OLI and the applicant's use would not be a use permitted in a lower zone classification than that already permitted in the OLI.

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: Applicant is not the owner of the land and applicant's obligation to purchase is subject to the favorable determination of this Board for a use variance to permit the construction of the applicant's dealership as set forth above.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The character of applicant's use does not materially change the type of use already permitted in an OLI zone. For example, OLI permits automotive service stations, airports, heliports, railroads... structures which uses are similar in nature to those permitted in a GB district, which specifically authorizes motor vehicle sales and repair garages.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: Upon information and belief, the adjoining property has been varied for purposes of automobile brake service and this use is not out of character with OLI uses in general and will produce to the Town of New Windsor a desirable tax ratable.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Applicant has no present plans or sketches since the preparation of these sketches, as well as the title closing is contingent upon the use of the property in the manner requested. Applicant is ready, willing and able, however, to submit such site plans or renderings as this Board or the Planning Board may require.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: January 2, 1973

[Signature]
Signature of Applicant

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 2nd day of January, 1972. 55-59 Route 17K, Newburgh, N. Y.
Address

Kathryn F. West
(Notary Public)

KATHRYN F. WEST
Notary Public, State of New York
Qualified in Orange County
Term expires Mar. 30, 1973

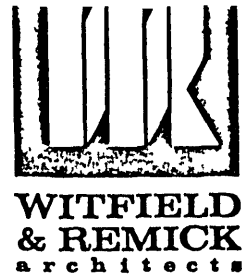
Telephone Number

(DO NOT WRITE IN THIS SPACE)

Application No. _____
Date of Hearing _____
Date of Decision _____

Date Received _____
Notice Published _____

DECISION:



January 27, 1977

35 wisner avenue
newburgh, new york
(914) 561-9100 12550

Mr. Howard Collett
Building Inspector
Town of New Windsor
Town Hall
New Windsor, New York 12550

RE: Birk's Realty property (Newburgh Dodge-Temple Hill Road
New Windsor)

Dear Howard:

Mr. Jack Birkenstock has approached our office to re-activate their project establishing a new Dodge automotive sales and service facility on Temple Hill Road.

Their intention is to first establish an automotive sales lot to be followed by the construction of the main sales and service building, similar to the way they established Newburgh Park Motors on Route 17K.

They have previously had a variance for this project (see enclosed letter dated 2/5/74) but the project did not go ahead at that time because of the economic conditions which existed. A bank has now shown a willingness to back the project and Mr. Birkenstock would like to re-activate the variance.

I would appreciate it if you would advise what procedure would be best under the circumstances, because in effect we are not asking for a new variance but a re-activation of an existing one.

Very truly yours,

DONALD A. WITFIELD
WITFIELD & REMICK
ARCHITECTS

DAW:dvs

cc: Jack Birkenstock

donald a. witfield
conrad r. remick, a.i.a.

SCOTT & HOYT & DRAKE
ATTORNEYS AND COUNSELORS AT LAW

J BRADLEY SCOTT (1894-1962)
JULIUS LARKIN HOYT
RICHARD J DRAKE
LORRAINE COTÉ DEVERS

POST OFFICE BOX 511
233 LIBERTY STREET
NEWBURGH, NEW YORK 12550
(914) 562-3540

February 5, 1974

Mr. John F. Birkénstock, Sr.
59 Route 17K
Newburgh, New York 12550

Re: Birk's Realty

Dear Jack:

I am happy to inform you that the Zoning Board of Appeals of the Town of New Windsor voted to extend the variance for another year through 1975. This should cover you on that application.

Best regards.

Very truly yours,

Nick

RICHARD J. DRAKE

RJD:kfw

PROCEDURE FOR PUBLIC HEARING

In order to prepare for a Public Hearing before the Zoning Board of Appeals the applicant must first prepare a public hearing notice, publication to appear in The Evening News once at least 10 days prior to the public hearing date. When notice has been prepared, return it to the Zoning Board Secretary (address below) so that she may publish same at the expense of the applicant. Three copies of the application must also be filled out and returned to the Secretary.

Registered or Certified letters are to be sent to all residents and property owners within a radius of 500 ft. of the property in question. This list may be obtained from the Town Assessor's Office for a fee which is determined by the Town Assessor. His office is located in the Town Hall - 555 Union Avenue, New Windsor, N. Y. All registered or certified letters must have return receipts. All return receipts, copy of published notice, copy of letter and all site plans with measurements must be presented to the Secretary at the public hearing by the applicant. Please include the Assessor's list of names and addresses of all property owners within 500 ft. for the record. A fee of \$50.00 payable to the TOWN OF NEW WINDSOR, should accompany all applications for commercial use. A fee of \$25.00 is required for residential use only. All fees due at the time the applications are returned to the secretary.

Please have your attorney determine whether Section 239 l&m of the General Municipal Law is applicable, and if so, send a copy of your application with plans attached to the Orange County Planning Dept., 124 Main Street, Goshen, New York 10924. (This section only applies if you are located within 500 ft. of a County Road.)

RETURN ALL PAPERS PROMPTLY TO:

PATRICIA RAZANSKY, Secretary
New Windsor Zoning Board of Appeals
555 Union Avenue
New Windsor, N. Y. 12550

Tel: 565-8550

Applicant's check list:

1. Fill out and return 3 copies of application & map or plans.
2. Fill out and return public hearing notice.
3. Town Assessor's list to secretary.
4. Return receipts (green cards) to secretary.
5. Fee for application.
6. Application to Orange County Planning Dept., if applies.
7. Provide secretary with Affidavit of Publication (provided by newspaper.)

Note: The ZBA meet every 2nd and 4th Monday of every month.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date JAN 10, 1973

To BIRK'S REALTY, INC

.....

.....

PLEASE TAKE NOTICE that your application dated JAN 3, 1973
for permit to CONSTRUCT & OPERATE A NEW CAR & TRUCK AGENCY
at the premises located at AN TEMPLE HILL ROAD (P1 zone)

.....

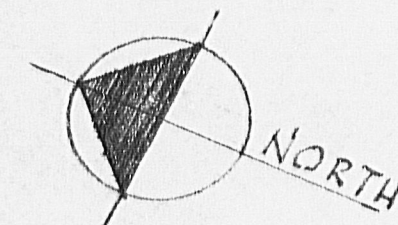
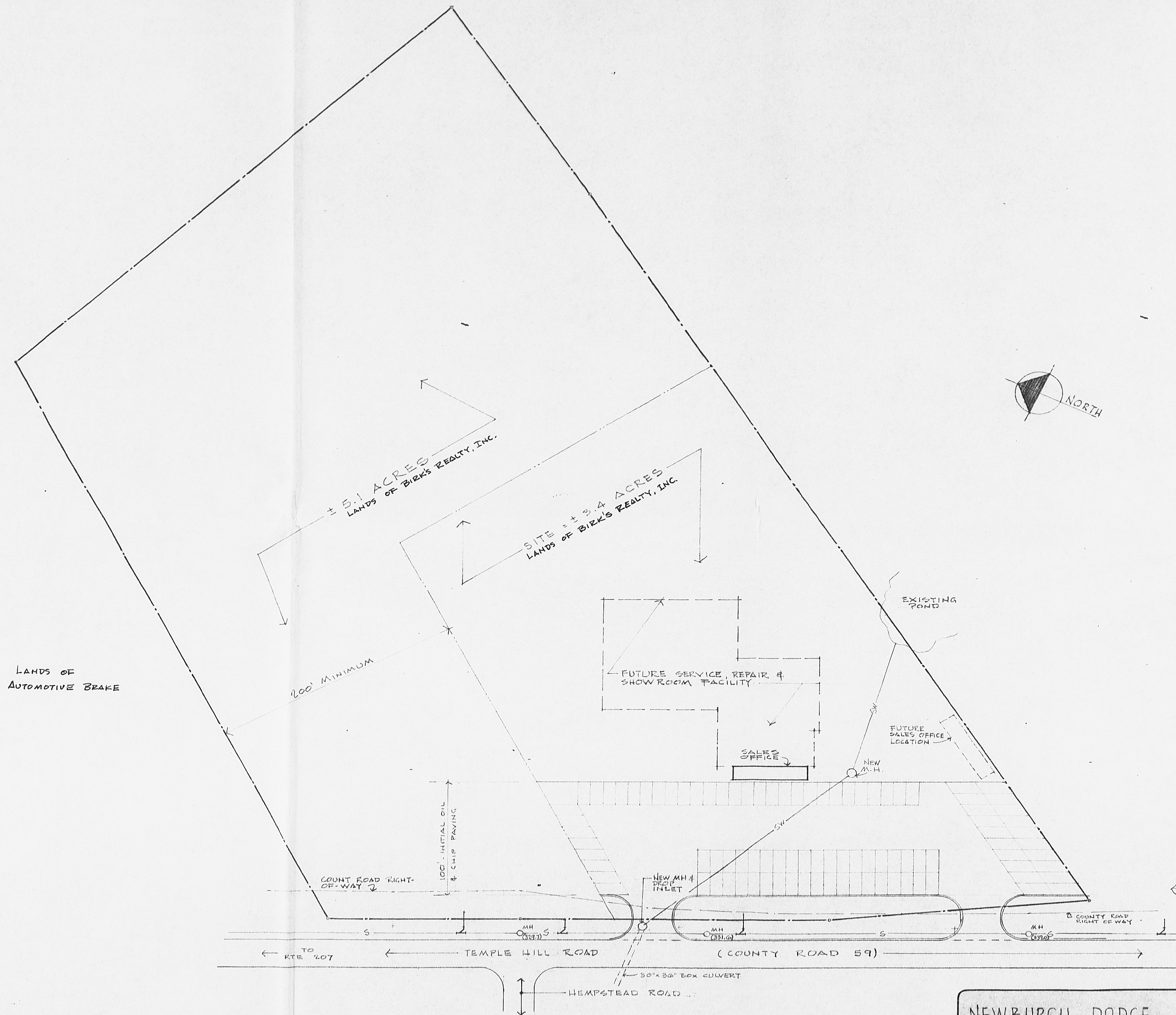
is returned herewith and disapproved on the following grounds.

(PF)
USE NOT PERMITTED IN P1 ZONE

.....

.....

Howard R. Gentry
Building Inspector



LEGEND

- = EXISTING 8"x4" "Y" &
SEWER LATERAL
- ^{MH} = SEWER MANHOLE W/
(336) RELATED INVERT
- S— = SEWER LINE (EXISTING)
- SW— = NEW STORM WATER LINE
- = PROPERTY LINE

± 1100' FROM & HEMPSTEAD ROAD TO "TEE"
OF 8" WATER LINE ON EAST SIDE OF ROAD

NEWBURGH DODGE
TEMPLE HILL ROAD, TOWN OF NEW WINDSOR
SITE PLAN
SCALE — 1" = 40'0"

Dated 15 MARCH 1977
Drawn By
Checked By



WITTFIELD
& REMICK
Architects

25 WINDSOR AVENUE
NEWBURGH, NEW YORK
(914) 561-0100 18550